

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRIAN MELONSON §
VS. § CIVIL ACTION NO. 1:23cv197
ZENA STEPHENS, ET AL. §

MEMORANDUM OPINION AND ORDER

Plaintiff Brian Melonson, formerly an inmate at the Jefferson County Correctional Facility located in Beaumont, Texas, proceeding *pro se*, brought the above-styled civil rights action pursuant to 42 U.S.C. § 1983. The action was previously dismissed without prejudice based on plaintiff's failure to provide the court with a current address.

On February 29, 2024, plaintiff filed a notice of change of address to the Texas Department of Criminal Justice, Correctional Institutions Division, indicating an intent to prosecute this action. As plaintiff's notice of change of address was filed within 28 days after the entry of the judgment, the notice is liberally construed as a motion to alter or amend the judgment under Rule 59(e).

FED. R. CIV. P. 59 provides in pertinent part the following:

(a)(1) *Grounds for New Trial.* The court may, on motion, grant a new trial on all or some of the issues - and to any party - as follows:

- (A) after a jury trial, for any reason for which a new trial has heretofore been granted in an action at law in federal court; or
- (B) after a nonjury trial, for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court.

(2) *Further Action After a Nonjury Trial.* After a nonjury trial the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

(e) Motion to Alter or Amend Judgment. A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.

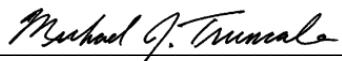
As set forth above, Plaintiff's lawsuit was dismissed based on his failure to provide the court with a current address. Plaintiff, however, has since informed the court of his current address indicating an interest in prosecuting this action. After due consideration, the court is of the opinion that plaintiff has set forth a meritorious ground for relief from the judgment.

ORDER

For the reasons set forth above, plaintiff's motion to alter or amend judgment should be granted. It is therefore,

ORDERED that plaintiff's motion to alter or amend judgment is GRANTED. The Clerk of Court is DIRECTED to reinstate the above-styled action on the court's active docket.

SIGNED this 11th day of March, 2024.



Michael J. Truncale
United States District Judge